THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 15919 of 2007

DATE: 14-08-2007

Between :

G.Srinivasulu

… Petitioner

And

The Revenue Divisional Officer,
Anantapur,
Anantapur District and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 15919 of 2007

ORDER:

Petitioner is the authorized dealer of the fair price shop of Pandikunta village of Vajrakarur Mandal, Anantapur District. Petitioner's authorization was cancelled vide proceedings of the first respondent dated 05-02-2007 after conducting due enquiry. Aggrieved by the same, the petitioner preferred an appeal before the second respondent. Though the second respondent has entertained the appeal, by order, dated 17-04-2007, the request of the petitioner for stay was rejected. Hence, this writ petition seeking a declaration that the action of the respondents in refusing to grant stay, pending appeal is arbitrary and illegal.

Though various contentions have been raised by the petitioner assailing the order of cancellation, dated 05-02-2007,

I am not inclined to express any opinion on merits since the statutory appeal is pending before the second respondent. Even the impugned order dated 17-04-2007 does not warrant interference since the discretion exercised by the second respondent in declining to grant stay pending the statutory appeal cannot be held to be arbitrary. However, having regard to the facts and circumstances, I deem it appropriate to dispose of the writ petition with a direction to the second respondent to dispose of the appeal itself following due process of law as expeditiously as possible preferably within a period of four weeks from the date of receipt of a copy of this order. No costs.

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G. ROHINI, J

Date:14-08-2007

KLP